

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING NATIONAL PHASE OF
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

067074-0312021/PCB/JM/P089091PUS

To: Mail Stop Patent Application
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER TO THE UNITED STATES

Atty Dkt: 067074-0312021/
 PCB/JM/P089091PUS

DESIGNATED/ELECTED OFFICE (DO/EO/US)

C-M /Client Ref.

From: Pillsbury Winthrop LLP, IP Group:

Date: September 27, 2004

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

- | | | |
|--|--|--|
| 1. International Application

<u>PCT/GB03/01369</u>
<u>↑ country code</u> | 2. International Filing Date

<u>28 March 2003</u>
Day MONTH Year | 3. Earliest Priority Date Claimed

<u>28 March 2002</u>
Day MONTH Year
(use item 2 if no earlier priority) |
|--|--|--|
4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:
 (a) ☐ 20 months from above item 3 date (b) ☒ 30 months from above item 3 date,
 (c) Therefore, the due date (unextendable) is September 28, 2004
5. Title of Invention USE OF TOPOISOMERASE INHIBITORS AND HEAT SHOCK PROTEIN 90 INHIBITORS FOR USE IN CHEMOTHERAPY
6. Inventor(s) John JENKINS

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. ☒ Please immediately start national examination procedures (35 U.S.C. 371 (f)).
8. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:
- a. ☒ Request;
 b. ☒ Abstract;
 c. 35 pgs. Spec. and Claims;
 d. 20 sheet(s) Drawing which are ☐ informal ☒ formal of size ☒ A4 ☐ 11"
9. ☒ A copy of the International Application has been transmitted by the International Bureau.
10. A translation of the International Application into English (35 U.S.C. 371(c)(2))
- a. ☐ is transmitted herewith including: (1) ☐ Request; (2) ☐ Abstract;
 (3) _____ pgs. Spec. and Claims;
 (4) _____ sheet(s) Drawing which are:
☐ informal ☐ formal of size ☐ A4 ☐ 11"
- b. ☒ is not required, as the application was filed in English.
- c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- d. ☐ Translation verification attached (not required now).

10/509143

RE: USA National Phase Filing of PCT /GB03/01369

11. ☒ Please see the attached Preliminary Amendment
12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:
13. ☒ PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of **claim amendments** made before 18th month, is **attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).**
15. **A declaration of the inventor** (35 U.S.C. 371(c)(4))
 a. ☐ is submitted herewith ☐ Original ☐ Facsimile/Copy
 b. ☒ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**
 a. Was prepared by ☒ European Patent Office ☐ Japanese Patent Office ☐ Other
 b. ☒ has been transmitted by the international Bureau to PTO.
 c. ☐ copy herewith (___ pg(s).) ☐ plus Annex of family members (___ pg(s).).
17. **International Preliminary Examination Report (IPER):**
 a. ☒ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.
 b. ☐ copy herewith in English.
 c.1 ☐ IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:
 c.2 ☐ Specification/claim pages #___ claims #
 Dwg Sheets #
 d. ☐ Translation of Annex(es) to IPER **(required by 30th month due date, or else annexed amendments will be considered canceled).**
18. **Information Disclosure Statement** including:
 a. ☐ Attached Form PTO-1449 listing documents
 b. ☐ Attached copies of documents listed on Form PTO-1449
 c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☐ **Assignment** document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ **Drawings** (complete only if 8d or 10a(4) not completed): ___ sheet(s) per set: ☐ 1 set informal; ☐ Formal of size ☐ A4 ☐ 11"
22. Small Entity Status ☐ is **Not** claimed ☒ is claimed (pre-filing confirmation required)
 22(a) ___ (No.) Small Entity Statement(s) enclosed (since 9/8/00 Small Entity Statements(s) not essential to make claim)
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) United Kingdom of:
- | | <u>Application No.</u> | <u>Filing Date</u> | <u>Application No.</u> | <u>Filing Date</u> |
|-----|--|--------------------|------------------------|--------------------|
| (1) | 0207362.5 | 28 March 2002 | (2) | |
| a. | <input checked="" type="checkbox"/> See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, <u>please proceed promptly to obtain same from the IB.</u> | | | |

10/509143

Page 3 of 4

RE: USA National Phase Filing of PCT/GB03/01369

DT09 Rec'd PCT/PTO 27 SEP 2004

24. Attached:

25 Per Item 17.c2, cancel original pages #__, claims #__, Drawing Sheets #**26. Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:**Based on amended claim(s) per above item(s) ☒ 11, ☐ 14, ☐ 17, ☐ 25 (hilitte)

Total Effective Claims 33 minus 20 = 13 x \$18/\$9 = \$117 1615/2615

Independent Claims 8 minus 3 = 5 x \$86/\$43 = \$215 1614/2614

If any proper (ignore improper) Multiple Dependent claim is present, add \$290/\$145 +0 1616/2616

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)): →→ **BASIC FEE REQUIRED, NOW** →→→→A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN", "ZA", "LC" or "PH"

See item 16 re:

1. Search Report was not prepared by EPO or JPO ----- add \$1,080/\$540 1611/2611

2. Search Report was prepared by EPO or JPO ----- add \$920/\$460 +460 1613/2613

SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN", "ZA", "LC" or "PH"

→ ☐ B. If USPTO did not issue both International Search Report (ISR) and (if box 4(b) above is X'd) the International Examination Report (IPER), ----- add \$1,080/\$540 +0 1611/2611

(only)
(one) → ☐ C. If USPTO issued ISR but not IPER (or box 4(a) above is X'd), ----- add \$770/\$385 +0 1610/2610

(these)
(4) → ☐ D. If USPTO issued IPER but IPER Sec. V boxes not all 3 YES, ----- add \$730/\$365 +0 1609/2609

→ ☐ E. If international preliminary examination fee was paid to USPTO and Rules 492(a)(4) and 496(b) satisfied (i.e., in IPER Sec. V all 3 boxes must be YES for all claims), - - add \$100/\$50 +0 1612/2612

27. **SUBTOTAL = \$792**

28. If Assignment box 19 above is X'd, add Assignment Recording fee of ---\$40 +0 8021

29. If box 15a is x'd, determine whether inventorship on Declaration is different than in international stage. If yes, add (per Rule 497(d)) ---\$130 +0 1808

30. **TOTAL FEES \$792**31. **Address communications to the correspondence address associated with our customer No.****Our Deposit Account No. 16-1805**

Our Order No. 067074 0312021

C#

M#

27496

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Seth D. LevyReg. No. 44,869Atty/Sec: SDL/JESTel: (213) 488-7131**NOTE:** File in duplicate with 2 postcard receipts (PAT-103) & attachments.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application
John JENKINS
Serial No.: Unassigned
Filed: September 27, 2004

207509143
Group No.: Unassigned

Examiner: Unassigned

For: **USE OF TOPOISOMERASE INHIBITORS AND HEAT
SHOCK PROTEIN 90 INHIBITORS FOR USE IN
CHEMOTHERAPY**

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EL 330956668 US

Date of Deposit: September 27, 2004

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that

- ☒ Letter of transmittal
- ☒ Preliminary Amendment
- ☒ Patent application (35 pages of specification; 33 claims; 1 pages of abstract)
- ☒ A check in the amount of \$792.00 to cover the filing fee
- ☒ 20 sheet of formal drawings
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 27, 2004

Date of Deposit

James Swanson
James Swanson